

STATE OF WISCONSIN
Senate Journal
Eighty-Sixth Regular Session

WEDNESDAY, October 26, 1983

10:00 A.M.

The senate met.

The senate was called to order by Fred A Risser, president of the senate.

The roll was called and the following senators answered to their names:

Present -- Senators Adelman, Chilsen, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Rabbi Dena Feingold of Congregation Shalom, Milwaukee.

By request of Senator Cullen, with unanimous consent, he introduced the honored guests of Senator Feingold, his mother, Sylvia and his sister, Nancy, who were in attendance to witness the opening prayer given the Senate this day by Dena Feingold.

The senate remained standing and Senator George led the senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 477

Relating to periods when vehicle lamps are required to be lighted and providing a penalty.

By Senators Lorge, Kleczka, Kreul and Johnston.
 To committee on Transportation.

COMMITTEE REPORTS

The committee on Higher Education and Economic Development reports and recommends:

Senate Bill 174

Relating to employment relations in higher education and making appropriations.

Indefinite postponement:

Ayes, 3 -- Senators Feingold, Johnston and Hanaway;

Noes, 2 -- Senators Czarnezki and Adelman.

JOSEPH J. CZARNEZKI
 Chair

EXECUTIVE COMMUNICATIONS

State of Wisconsin
 Office of the Governor
 Madison, Wisconsin

October 26, 1983

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
38-----	35	-----October 26, 1983
280-----	36	-----October 26, 1983
418-----	37	-----October 26, 1983
445-----	38	-----October 26, 1983
446-----	39	-----October 26, 1983
447-----	40	-----October 26, 1983
448-----	41	-----October 26, 1983
449-----	42	-----October 26, 1983
450-----	43	-----October 26, 1983
451-----	44	-----October 26, 1983
452-----	45	-----October 26, 1983
453-----	46	-----October 26, 1983

Respectfully,
ANTHONY S. EARL
 Governor

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 83-162

AN ORDER to amend Trans 176.06 (1) (a) 3 and 4, relating to financial responsibility requirements for 'for-hire' property carriers utilizing vehicles of 10,000 pounds and less gross vehicle weight.

Submitted by Department of Transportation.

Report received from agency, October 25, 1983.

Referred to committee on Transportation, October 26, 1983.

CALENDAR OF OCTOBER 26

Senate Bill 168

Relating to the creation of a uniform unclaimed property act, granting rule-making authority, making appropriations and providing penalties.

Read a second time.

By request of Senator Kleczka, with unanimous consent **Senate Bill 168** was referred to joint committee on Finance.

Senate Bill 180

Relating to salt on highways.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 180** was referred to joint committee on Finance.

Senate Bill 229

Relating to consumer loan practices.

Read a second time.

The question was: Shall the bill be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Chilsen, Czarnecki, Davis, Engeleiter, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kreul, Lasee, Lorman, Moen, Norquist, Offner, Opitz, Roshell, Strohl and Van Sistine -- 19.

Noes -- Senators Adelman, Cullen, Ellis, Feingold, George, Kleczka, Lee, Lorge, McCallum, Maurer, Otte, Risser, Theno and Thompson -- 14.

Absent or not voting -- None.

So the bill was indefinitely postponed.

Senate Bill 255

Relating to motor vehicle rustproofing, granting rule-making authority and providing a penalty.

Read a second time.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Adopted.

Senate amendment 2 to senate substitute amendment 1 offered by Senator Kreul.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1?

Senator Adelman moved rejection of senate amendment 2 to senate substitute amendment 1.

The question was: Rejection of senate amendment 2 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Cullen, Czarnecki, Davis, Ellis, Feingold, George, Helbach, Kincaid, Kleczka, Lee, Lorge, Maurer, Moen, Norquist, Otte, Risser, Roshell, Strohl, Theno and Van Sistine -- 21.

Noes -- Senators Chilsen, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Lasee, Lorman, McCallum, Opitz and Thompson -- 11.

Absent or not voting -- Senator Offner -- 1.

So the motion prevailed.

The question was: Adoption of senate substitute amendment 1?

Senator Chilsen moved that **Senate Bill 255** be referred to committee on Transportation.

The question was: Shall the bill be referred to committee on Transportation?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 22; absent or not voting, 0; as follows:

Ayes -- Senators Chilsen, Davis, Hanaway, Harsdorf, Johnston, Kreul, Lasee, Lorge, Lorman, Opitz and Theno -- 11.

Noes -- Senators Adelman, Cullen, Czarnecki, Ellis, Engeleiter, Feingold, George, Helbach, Kincaid, Kleczka, Lee, McCallum, Maurer, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Thompson and Van Sistine -- 22.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 255

Read a third time and passed.

Senate Bill 281

Relating to authorizing credit unions to act as depositories for public funds and designating the higher education corporation as a public depositor.

Read a second time.

The question was: Adoption of senate amendment 1? Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 281

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Davis, Ellis, Feingold, George, Hanaway,

Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Lee, Lorge, McCallum, Maurer, Moen, Norquist, Offner, Otte, Strohl, Thompson and Van Sistine -- 25.

Noes -- Senators Engeleiter, Kreul, Lasee, Lorman, Opitz, Risser, Roshell and Theno -- 8.

Absent or not voting -- None.

So the bill passed.

Senate Bill 315

Relating to burial agreements and the sale of funeral merchandise.

Read a second time.

By request of Senator Cullen, with unanimous consent, **Senate Bill 315** was placed at the foot of the calendar.

Senate Bill 362

Relating to limiting the admissibility of evidence in a sexual assault case.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 362

Read a third time and passed.

Senate Bill 369

Relating to social service agency investigation of problems regarding child visitation or custody.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 369

Read a third time and passed.

Senate Bill 428

Relating to campaign financing and making an appropriation.

Read a second time.

By request of Senator Kleczka, with unanimous consent **Senate Bill 428** was referred to joint committee on Finance.

Senate Bill 459

Relating to revising the 1983-85 state building program for the department of natural resources to add the military ridge state trail development and to reduce funds for minor projects.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 459** was referred to the joint committee on Finance.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 459** was withdrawn from the joint committee on Finance and considered for action at this time.

Senate Bill 459

Relating to revising the 1983-85 state building program for the department of natural resources to add the military ridge state trail development and to reduce funds for minor projects.

Read a second time.

Senator Offner in the chair.

11:55 A.M.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 459

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 30.

Noes -- Senators Davis, Lasee and Opitz -- 3.

Absent or not voting -- None.

So the bill passed.

By request of Senator Cullen, with unanimous consent, the senate recessed until 2:00 P.M.

12:05 P.M.

RECESS

2:00 P.M.

The senate reconvened.

QUORUM CALL

The president of the senate called attention to the possible lack of a quorum.

The roll was called and the following senators answered to their names:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Noes -- None.

Absent or not voting -- None.

Assembly Bill 9

Relating to regulation of fishing rafts, granting rule-making authority and providing penalties.

Read a second time.

Ordered to a third reading.

By request of Senator Offner, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 9

Read a third time and concurred in.

Assembly Bill 25

Relating to victim impact statements.

Read a second time.

Ordered to a third reading.

By request of Senator Offner, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 25

Read a third time and concurred in.

Assembly Bill 128

Relating to rehabilitation of defective buildings in cities and villages.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Offner, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 128

Read a third time and concurred in as amended.

Assembly Bill 234

Relating to mental health commitments for inmates of state prisons.

Read a second time.

Senator Adelman asked unanimous consent that **Assembly Bill 234** be referred to committee on Judiciary and Consumer Affairs.

Senator Hanaway objected.

By request of Senator Adelman, with unanimous consent, **Assembly Bill 234** was placed at the foot of the calendar.

Assembly Bill 235

Relating to county correctional facilities.

Read a second time.

Ordered to a third reading.

By request of Senator Offner, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 235

Read a third time and concurred in.

Assembly Bill 397

Relating to the employment of school district administrators, school district business managers and school principals.

Read a second time.

Ordered to a third reading.

By request of Senator Offner, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 397

Read a third time.

Senator Offner moved non-concurrence of **Assembly Bill 397**.

The question was: Non-concurrence of **Assembly Bill 397**?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Engeleiter, Johnston, Kleczka, Kreul, Lasee, Lorge, McCallum, Maurer, Norquist, Offner, Opitz, Otte and Risser -- 14.

Noes -- Senators Chilsen, Cullen, Czarniezki, Davis, Ellis, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Lee, Lorman, Moen, Roshell, Strohl, Theno, Thompson and Van Sistine -- 19.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Concurrence of **Assembly Bill 397**?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes -- Senators Chilsen, Davis, Feingold, Hanaway, Helbach, Kincaid, Lee, Lorman, Moen, Otte, Roshell, Strohl, Theno, Thompson and Van Sistine -- 15.

Noes -- Senators Adelman, Cullen, Czarniezki, Ellis, Engeleiter, George, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lorge, McCallum, Maurer, Norquist, Offner, Opitz and Risser -- 18.

Absent or not voting -- None.

So the bill failed to be concurred in.

Assembly Bill 404

Relating to transportation and use of net guns and tranquilizer guns.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 404

Read a third time and concurred in.

Assembly Bill 556

Relating to bookkeeping and audit requirements for group homes.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 556

Read a third time and concurred in.

Senate Bill 315

Relating to burial agreements and the sale of funeral merchandise.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senator Van Sistine moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes -- Senators Chilsen, Cullen, Czarnezki, Ellis, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kleczka, Kreul, Lasee, Lorge, Lorman, Maurer, Moen, Risser, Roshell, Theno, Thompson and Van Sistine -- 22.

Noes -- Senators Adelman, Davis, Engeleiter, Johnston, Lee, McCallum, Norquist, Offner, Opitz, Otte and Strohl -- 11.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 1? Adopted.

Senate amendment 2 offered by Senator Ellis.

The question was: Adoption of senate amendment 2?

Senator Van Sistine moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 12; absent or not voting, 0; as follows:

Ayes -- Senators Chilsen, Cullen, Czarnezki, Feingold, George, Hanaway, Helbach, Kincaid, Kleczka, Kreul, Lasee, Lorman, McCallum, Maurer, Moen, Otte, Risser, Roshell, Theno, Thompson and Van Sistine -- 21.

Noes -- Senators Adelman, Davis, Ellis, Engeleiter, Harsdorf, Johnston, Lee, Lorge, Norquist, Offner, Opitz and Strohl -- 12.

Absent or not voting -- None.

So the motion prevailed.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 315

Read a third time.

Senator Norquist moved that **Senate Bill 315** be indefinitely postponed.

The question was: Shall the bill be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 7; noes, 26; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Davis, Lee, Norquist, Offner, Opitz and Strohl -- 7.

Noes -- Senators Chilsen, Cullen, Czarnezki, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lorge, Lorman, McCallum, Maurer, Moen, Otte, Risser, Roshell, Theno, Thompson and Van Sistine -- 26.

Absent or not voting -- None.

So the bill was not indefinitely postponed.

The question was: Shall the bill pass?

The bill passed.

Assembly Bill 234

Relating to mental health commitments for inmates of state prisons.

Read a second time.

By request of Senator Adelman, with unanimous consent, **Assembly Bill 234** was referred to committee on Judiciary and Consumer Affairs.

By request of the president of the senate, with unanimous consent, the Senate returned to the fourth and eighth orders of business.

COMMITTEE REPORTS

The committee on Energy and Environmental Resources reports and recommends:

Assembly Bill 301

Relating to late submittal of siting resolutions and approval of negotiated agreements for the siting of solid and hazardous waste facilities.

Concurrence:

Ayes, 4 -- Senators Strohl, Adelman, Ellis and Opitz;

Noes, 1 -- Senator Lee.

Assembly Bill 703

Relating to grants for the replacement of contaminated wells.

Concurrence:

Ayes, 6 -- Senators Strohl, Adelman, Ellis, Helbach, Lee and Opitz;

Noes, 0 -- None.

Assembly Bill 681

Relating to making technical and minor substantive revisions to the waste facility siting process and making an appropriation.

Concurrence:

Ayes, 5 -- Senators Strohl, Adelman, Ellis, Helbach and Lee;

Noes, 1 -- Senator Opitz.

JOE STROHL
Chair

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed and asks concurrence in:

Assembly Bill 706

Concurred in:

Assembly Bill 98, senate amendment 2 to assembly amendment 1 to senate amendment 3

Assembly Bill 260, senate amendments 4, 7, 8, 13 and 14

Nonconcurrent in:

Assembly Bill 260, senate amendment 2, and asks for a Committee of Conference and appoints Representatives Medinger, Shoemaker and R. Travis as conferees on its part.

Agrees to a Committee of Conference on:

Assembly Bill 26, and appoints Representatives Andrea, Matty and Rogers as conferees on its part.

By request of Senator George, with unanimous consent, the chair appointed as conferees to the Committee of Conference on **Assembly Bill 26**; Senators George, Otte and Johnston.

The question was: Shall the conferees be confirmed?
Confirmed.

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Bill 706

Relating to the financial assistance program for septic tank replacement and rehabilitation.

By Representatives Gilson, Vanderperren, Stower, Shoemaker, Lewis, Gronemus, Gerlach and Johnson, co-sponsored by Senators Strohl, Moen and Offner.

Read first time and referred to committee on Energy and Environmental Resources.

MOTIONS

Senator Harsdorf asked unanimous consent that **Senate Bill 470** be withdrawn from the committee on Tourism and Revenue and referred to the committee on Senate Organization.

Senator Cullen objected.

Senator Harsdorf moved that **Senate Bill 470** be withdrawn from the committee on Tourism and Revenue and referred to the committee on Senate Organization.

The question was: Shall **Senate Bill 470** be withdrawn from the committee on Tourism and Revenue and referred to the committee on Senate Organization?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

Ayes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Lasee, Lorge, Lorman, McCallum and Theno -- 13.

Noes -- Senators Adelman, Cullen, Czarnecki, Feingold, George, Helbach, Kincaid, Kleczka, Lee, Maurer, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Thompson and Van Sistine -- 19.

Absent or not voting -- Senator Opitz -- 1.

So the motion did not prevail.

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Resolution 14** by Senators Opitz and Lasee.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Thursday, October 27.

4:18 P.M.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 38
Senate Bill 280
Senate Bill 418
Senate Bill 445
Senate Bill 446
Senate Bill 447
Senate Bill 448
Senate Bill 449
Senate Bill 450
Senate Bill 451
Senate Bill 452
Senate Bill 453

Correctly enrolled and presented to the Governor on October 26, 1983.